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shall only be liable to the payment of warehouse charges and fees of port dues. The provisions of this article shall apply only to such merchandize as the Portuguese customs authorities are satisfied has been *bonâ fide* ordered for the Transvaal.

PART 4.

*Miscellaneous.*

40. If, on the establishment of a union of the South African colonies, the Transvaal becomes a party to such union, the government of the union shall take the place of the Transvaal government for all purposes of this convention, but in such event the provisions of this convention shall apply only to the areas originally contemplated.

41. This convention shall continue for ten years from the date hereof, and shall thereupon cease if either government has given one year's notice to the other of its intention to terminate it. If no such notice has been given, the convention shall continue from year to year until either government shall have given one year's notice to the other of its intention to terminate it.

42. This convention shall be executed both in the Portuguese language and in the English language.

Thus done at Pretoria under my hand under the public seal of the Transvaal, on behalf of the government of the Transvaal, this first day of April, 1909.

SELBORNE, (L. S.)  
*Governor of the Transvaal.*

[The Portuguese version is signed by THOMAZ ANTONIO GARCIA ROSADO.]

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CONSULAR CONVENTION BETWEEN JAPAN AND THE NETHERLANDS CONCERNING THE COLONIES AND POSSESSIONS OF THE NETHERLANDS.

*Signed April 27, 1908.*

His majesty the Emperor of Japan and her majesty the Queen of the Netherlands, deeming it desirable that, independently of the treaty of commerce and navigation between Japan and the Netherlands, a special convention should determine the rights, duties, powers, privileges, exemptions and immunities of the Japanese consular officers in the posses-

sions or colonies of the Netherlands, have named, for their plenipotentiaries, in order to conclude the said convention, to wit:

His majesty the Emperor of Japan: Sató Aimaro, Jushii, decorated with the second class of the Imperial Order of the Rising Sun, etc., his envoy extraordinary and minister plenipotentiary at The Hague;

And her majesty the Queen of the Netherlands: Jonkheer R. de Marees van Swinderen, knight of her order of the Netherlands Lion, etc., her minister of foreign affairs;

Who, after having communicated to each other their full powers, found in good and proper form, have agreed upon the following articles:

#### ARTICLE 1.

Consuls-general, consuls, vice-consuls, and consular agents of Japan shall be admitted into all the ports of the possessions beyond the sea or colonies of the Netherlands where agents of the same class of any other foreign nation reside or shall reside.

#### ARTICLE 2.

Consuls-general, consuls, vice-consuls, and consular agents of Japan shall be considered as commercial agents, protectors of the commerce of their nationals in their consular districts. They shall reside in the ports of the possessions beyond the sea, or colonies of the Netherlands, indicated in their commissions and shall be subject to the laws, civil as well as penal, of these possessions or colonies, save in the exceptions established by the present convention in their favor.

#### ARTICLE 3.

Before being admitted to the exercise of their functions and to the enjoyment of all the powers, privileges, exemptions and immunities, which appertain thereto, the consuls-general, consuls, vice-consuls and consular agents shall present to the government of her majesty the Queen of the Netherlands, a commission indicating their consular districts and the places of their residences.

The government of the possession or colony shall deliver to them, without any expense, the exequatur, duly countersigned, necessary for the exercise of their functions; and upon the exhibition of this, the said consular officers of every grade shall have the right of protection from the government and assistance from the local authorities to assure the free exercise of their functions.

The government of the Queen reserves the right of withdrawing the exequatur or having it withdrawn by the governor of the possession or colony, on indicating the reasons for this measure.

In case of death, incapacity, or absence of the consuls-general, consuls, vice-consuls and consular agents, their student-consuls, chancellors, or secretaries, after their official character shall have been notified to and approved by the competent authority, will be permitted as of right to manage *ad interim* the affairs of their respective posts; they shall enjoy during the period of this temporary management, so far as their position as foreigners not engaged in trade permits, in conformity with article 15, all the rights, powers, privileges, exemptions and immunities, accorded to the titular officers.

#### ARTICLE 4.

The consuls-general, consuls, vice-consuls and consular agents are authorized to place over the outer doors of their residences a coat of arms of their government with the inscription: consulate-general, consulate, vice-consulate, or consular agency of Japan.

It is understood that these exterior marks shall never be considered as giving the right of asylum, nor as withdrawing the house and those who live therein, from the jurisdiction of the local courts of justice.

#### ARTICLE 5.

It is understood that the archives and documents relative to consular affairs shall be protected against all search, and that no authority nor any magistrate shall inspect them, seize them or take possession of them in any manner whatsoever nor under any pretext.

#### ARTICLE 6.

The consuls-general, consuls, vice-consuls, and consular agents are not invested with any diplomatic character.

No request can be addressed to the Netherlands government except through the diplomatic agent accredited to the Hague.

In case of urgency the consuls-general, consuls, vice-consuls or consular agents shall have recourse directly to the governor of the possession or colony, establishing the urgency and setting forth the reasons why the request could not be addressed to the subordinate authorities, or showing that requests previously addressed to these authorities would have been without result.

## ARTICLE 7.

The consuls-general and consuls shall have the power to name consular agents in the ports mentioned in the first article.

These consular agents may be indiscriminately Japanese subjects, Dutch, or nationals of any other country, residing, or being allowed under the terms of local laws to fix their residence in the port where the consular agent is named. These consular agents, whose selection shall be submitted for the approbation of the governor of the possession or colony, shall be furnished with a commission delivered by the consul, under the orders of which they shall exercise their functions.

The governor of the possession or of the colony can, in any case, withdraw from the consular agents the approbation just spoken of, on communicating to the consul-general or consul the reasons for such a measure.

## ARTICLE 8.

The passport delivered or viséd by the consular officials does not in any way dispense with the bearer's obligation to provide himself with all the documents required by the laws, or local regulations to travel or settle in the possessions or colonies, and does not prejudice the exercise of the right possessed by the government of the possession or colony to forbid the sojourn or order the departure of every individual supplied with a passport.

## ARTICLE 9.

All operations relative to the salvage of Japanese vessels, shipwrecked on the coasts of one of the possessions or colonies of the Netherlands, shall be directed by the consuls-general, consuls, vice-consuls, or consular agents of Japan.

The intervention of the local authorities shall be had solely to maintain order, guarantee the interests of the salvors, if they are strangers to the shipwrecked crews, and to assure the execution of the provisions to be observed for the importation and exportation of salvaged goods.

In the absence and until the arrival of the consuls-general, consuls, vice-consuls, or consular agents, the local authorities shall in addition take all necessary precautions to protect the individuals and preserve the shipwrecked goods.

In addition it is agreed that the merchandise saved shall not be held liable for any customs duty, unless it be admitted for internal consumption.

## ARTICLE 10.

The consuls-general, consuls, vice-consuls and consular agents can request the assistance of the local authorities for the arrest, detention, and imprisonment of deserters from Japanese merchant or war vessels. For this purpose they shall address in writing to the competent authorities the request for these deserters, and if the evidence is borne out by the books of the vessels, the muster-rolls, or by any other authentic document, that the men claimed were part of the crew, the return of the deserters can not be refused, unless the individual concerned be a subject of the Netherlands.

The local authorities shall be required to exercise all their authority to cause the arrest of the deserters. After their arrest, the latter shall be put at the disposition of the said consular officials and shall be detained on the application and at the expense of those who claim them, to be sent back on board the vessels to which they belong, or another vessel of the same nation. Nevertheless, if these deserters are not sent back within four months after their arrest, they shall be set at liberty and can not be again arrested on the same charge.

It is understood, however, that the return of the deserter who has committed some crime, offence or infraction [of the law], shall be postponed until the court of the possessions, of the colonies, or of the mother country, having jurisdiction of the affair, has passed sentence and the latter has been executed.

## ARTICLE 11.

In default of stipulations to the contrary between the owners, shippers and insurers, all damage sustained at sea by Japanese vessels, whether they come voluntarily in port, whether they find themselves forced into port, shall be regulated by the consuls-general, consuls, vice-consuls, or consular agents of Japan.

If, however, the consular officer has some interest in the ship or cargo, or if he is an agent therefor, or if subjects of the Netherlands or subjects or citizens of a third country are interested in the said damages, and the parties can not come to an agreement, recourse to the competent local authority will be a matter of right.

## ARTICLE 12.

When a Japanese subject dies in the possessions or colonies of the Netherlands without heirs or known testamentary executors, the Nether-

lands authorities charged under the laws or ordinances of the possession or colony with the administration of the inheritance, shall immediately notify the consular officers of Japan so that the necessary information may be transmitted to those in interest; the latter, on their part, shall give the same information to the said authorities, when they are the first to be informed.

The competent local authority will complete the said notice by delivering a copy of the death record in due form and without charge.

#### ARTICLE 13.

The consuls-general, consuls, vice-consuls, and consular agents of Japan shall have the right to receive in their chancelleries, in their private residences, in those of the interested subjects of their country, or on board of vessels of their countries, the declarations of captains and crews of vessels of their countries, of the passengers who are on board, and of any other subject of their country.

#### ARTICLE 14.

The consuls-general, consuls, vice-consuls, or consular agents of Japan shall be exclusively charged with the interior order on board merchant vessels of their nation.

They alone shall take cognizance of all the differences which may have arisen at sea or which shall arise in port between the captain, the officers, and the men who form the crew, including those which concern the regulation of salaries and the execution of engagements agreed to on both sides.

The courts or the other authorities of the possession or colony shall not on any account embroil themselves in these differences, unless the latter be of a nature to disturb the peace and public order on land or in the port, or unless persons not belonging to the crew are concerned, or unless consuls-general, consuls, vice-consuls, and consular agents request the assistance of the said authorities to execute their decisions or maintain their authority.

#### ARTICLE 15.

So far as in Japan the same favors shall be accorded reciprocally to the consuls-general, consuls, vice-consuls and consular agents of the Netherlands, the consuls-general, consuls, vice-consuls, and consular agents of Japan who are not engaged in trade nor other duty or profession, other than their consular functions, shall be exempt from all mili-

tary services, requisitions or quartering of troops, pecuniary taxes in the place of military service, or personal tax, as well as from all general or municipal taxes, having a personal character, unless they be Netherlands subjects. This exemption can never extend to the customs duties or other indirect or real taxes.

The consuls-general, consuls, vice-consuls, and consular agents who are not Netherlands subjects, are, even if they do not fall under the provisions of the first paragraph of this article, exempt from all military service, military requisitions, and all pecuniary taxes, in place of military service, so far as in Japan the same privilege is accorded to the consuls-general, consuls, vice-consuls and consular agents of the Netherlands.

The consuls-general, consuls, vice-consuls and consular agents, subjects of the Netherlands, but who are allowed to exercise consular functions conferred by the Japanese government, are obliged to pay all the taxes or contributions of whatever nature they may be.

#### ARTICLE 16.

The consuls-general, consuls, vice-consuls and consular agents, as well as the student-consuls, the chancellors, and the secretaries of Japan shall enjoy all the other powers, privileges, exemptions and immunities in the possessions or colonies of the Netherlands, which are or shall be accorded subsequently to agents of the same rank of the most favored nation.

#### ARTICLE 17.

The present convention is concluded for a term of five years and shall be put in force beginning with the tenth day after the exchange of ratifications, which shall take place in Tokio within the period of four months after the signature of the convention or sooner if possible.

Unless one of the high contracting parties shall have notified the other at least before this term, of its intention to end it, the convention will remain in force until the expiration of a year after the denunciation made by one of the high contracting parties.

In faith whereof, the respective plenipotentiaries have signed the present convention and have here placed their seals and arms.

Done at the Hague, the 27th day of the fourth month of the forty-first year of Meiji, corresponding to the 27th day of the month of April, 1908.

[L. s.]

AIMARO SATO.

[L. s.]

R. DE MAREES VAN SWINDEREN.